

**Mississippi Secretary of State**  
**125 S. Congress Street Jackson, MS 39201**

**ADMINISTRATIVE PROCEDURES NOTICE FILING**

AGENCY NAME Mississippi Commission on Environmental Quality Mississippi Department of Environmental Quality		CONTACT PERSON Ted Lampton		TELEPHONE NUMBER 601-961-5573	
ADDRESS P.O. Box 2261		CITY Jackson		STATE MS	ZIP 39225
EMAIL Ted_Lampton@deq.state.ms.us	SUBMIT DATE: 8-17-2016	Name or number of rule(s): 11 Miss. Admin. Code, Part 2, Chapter 1, "Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants"			

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: Amendments regarding startups, shutdowns, and/or malfunctions (SSM) of air emissions equipment in order to comply with federal requirements of the USEPA. Amendments to adopt, by reference, recent amendments to Federal New Source Performance Standards (NSPS) in 40 CFR Part 60, Federal National Emission Standards for Hazardous Air Pollutants (NESHAP) in 40 CFR Parts 61 and 63, and Federal Consolidated Air Rules (CAR) in 40 CFR Part 65 promulgated by the USEPA. Deletion of provisions for the Federal Clean Air Interstate Rule (CAIR) since the provisions have been federally revoked and are no longer in effect.

Specific legal authority authorizing the promulgation of rule: Miss. Code Ann. §§49-2-9(1)(b) and 49-17-17 (Rev.2012)

List all rules repealed, amended, or suspended by the proposed rule: 11 Miss. Admin. Code, Part 2, Chapter 1

**ORAL PROCEEDING:**

☒ An oral proceeding is scheduled for this rule on: Date: September 16, 2016, Time: 1:30 p.m., Place: Mississippi Department of Environmental Quality, 515 E. Amite St., Jackson, Mississippi 39201

☐ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.


**ECONOMIC IMPACT STATEMENT:**

☒ Economic impact statement not required for this rule. ☐ Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	<b>Action proposed:</b> _____ New rule(s) <u>X</u> Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference <b>Proposed final effective date:</b> <u>X</u> 30 days after filing _____ Other (specify): _____	<b>Date Proposed Rule Filed:</b> <b>Action taken:</b> _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed <b>Effective date:</b> _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Theodore D. Lampton, III, Senior Attorney

Signature of person authorized to file rules: *Ted Lampton*

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
<div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by _____	<div style="border: 1px solid black; padding: 10px; text-align: center;">  </div> Accepted for filing by <u><i>[Signature]</i></u> <u>#22202</u>	<div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by _____

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

**MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY  
NOTICE OF PROPOSED RULEMAKING  
NOTICE OF PUBLIC HEARING**

**PUBLIC NOTICE START DATE: AUGUST 16, 2016  
DEADLINE FOR COMMENTS: SEPTEMBER 16, 2016**

PLEASE TAKE NOTE that the Mississippi Commission on Environmental Quality ("Commission") is considering adoption of amendments to state air pollution control regulations and a Revision to the State Implementation Plan for the Control of Air Pollution (SIP Revision). The state regulations affected by the proposed amendments are Mississippi Administrative Code, Title 11, Part 2, Chapter 1, "Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants". The proposed regulation amendments and SIP Revision will be applicable statewide.

**I. Substance of the proposed actions:**

1. Amendments to 11 Miss. Admin. Code, Pt. 2, Ch. 1, Rule 1.10 and an associated SIP Revision regarding startups, shutdowns, and/or malfunctions of air emissions equipment in order to comply with federal requirements of the U.S. Environmental Protection Agency (USEPA). This action is a response to a USEPA SIP Call to address a Finding of Substantial Inadequacy with the existing SIP provisions for Upsets, Startups, and Shutdowns. The finding is based on recent changes to the USEPA policies for addressing startup, shutdown, and malfunction events. The proposed amendments and associated SIP Revision are intended to address state regulation inconsistencies with USEPA policies for startup, shutdown, and malfunction events.
2. Amendments to 11 Miss. Admin. Code, Pt. 2, Ch.1. to adopt, by reference, recent amendments to Federal New Source Performance Standards (NSPS) in 40 CFR Part 60, Federal National Emission Standards for Hazardous Air Pollutants (NESHAP) in 40 CFR Parts 61 and 63, and Federal Consolidated Air Rules (CAR) in 40 CFR Part 65 promulgated by the U. S. Environmental Protection Agency. The aforementioned amendments will update the state adoption of federal rules as provided in Rule 1.6 and Rule 1.8. of 11 Miss. Admin. Code, Pt. 2., Ch. 1.
3. Deletion of 11 Miss. Admin. Code, Pt. 2, Ch. 1, Rule 1.14, "Provisions for the Clean Air Interstate Rule" (CAIR) since the federal provisions referenced in Rule 1.14. have been revoked and are no longer in effect.

**II. Manner by Which the Public May Comment.**

The proposed regulation amendments and SIP Revision may be reviewed in the offices of the Mississippi Department of Environmental Quality (MDEQ), 515 E. Amite St., Jackson, Mississippi 39201 by contacting Mr. Lorenzo Boddie, Public Records Administrator at 601-961-5171. For persons with internet access, the proposed regulation amendments and SIP Revision may be found on the MDEQ website at <http://www.deq.state.ms.us> under Programs/Air/New Information. The proposed amendments and SIP Revision will also be available for public review in the main branches of the public libraries in the cities of Gulfport and Tupelo in the State of Mississippi.

Members of the public may present verbal or written comments during the public hearing described below or by submitting written statements to MDEQ, P.O. Box 2261, Jackson, Mississippi 39225. Any written statements regarding the proposed regulation amendments or SIP Revision will be a part of the public hearing record if received by 5:00 p.m., Friday, September 16, 2016. Such delivery should be made to the attention of Mr. Dallas Baker to the mailing address shown above or to the physical address shown below.

**III. Notice of Public Hearing.**

The hearing will be held on Friday, September 16, 2016 at 1:30 p.m. in the Commission Hearing Room (Room 104A) at the Mississippi Department of Environmental Quality, 515 East Amite Street, Jackson, Mississippi 39201.

**IV. Additional Information.**

For additional information, please contact Mr. Chad Lafontaine at 601-961-5171.